IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 28693 of 2006(N)

PETITIONER:

N.K. THANKACHAN, S/O. KUNHIVELU,
AGED 36 YEARS, CONTRACTOR, KODIKULATH HOUSE,
SEETHAMOUND P.O., PADICHIRA VILLAGE,PULPALLI (VIA)
WAYANAD DISTRICT.

BY ADV. SRI.K.V.PAVITHRAN,
SRI.JAYANANDAN MADAYI PUTHIYAVEETTIL.

RESPONDENT:

SPECIAL GRADE SECRETARY,
MULLANKOLLY GRAMA PANCHAYATH, P.O. MULLANKOLLY,
WAYANAD DISTRICT.

BY ADV. SRI.K.BALACHANDRAN (MANGALATH),
SRI.RAJESH NAIR,
SRI.BIJOY CHANDRAN,
GOVT. PLEADER SMT. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.28693/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE AGREEMENT NUMBERS 1/23-2004 DTD 29/12/2003.

EXT.P.1.A: COPY OF THE AGREEMENT NUMBER 43/04-05 DTD. 16/02/05.

EXT.P.2: COPY OF THE RELEVANT PAGES OF THE MEASUREMENT BOOK SHOWING THE DATES OF THE FINAL MEASUREMENT.

EXT.P.2.A: COPY OF THE -DO- -DO-.

EXT.P.3: COPY OF THE RELEVANT PAGE OF THE MEASUREMENT BOOK CONTAINING BILL.

EXT.P.3.A: COPY OF THE RELEVANT PAGE OF THE BILL CONTAINED IN THE MEASUREMENT BOOK.

EXT.P.4: COPY OF THE "WORKSLIP" REGULARISING THE DEVIATED QUANTITIES.

EXT.P.4.A: COPY OF THE -DO- -DO-.

EXT.P.5: COPY OF THE MEMORANDUM OF PAYMENT RECORDED IN THE MEASUREMENT BOOK.

EXT.P.5.A: COPY OF THE MEMORANDUM OF PAYMENT.

EXT.P.6: COPY OF THE LETTER SENT BY THE PETITIONER.

EXT.P.6.A: COPY OF THE LETTER SENT BY THE PETITIONER DTD. 26/07/2006.

EXT.P.7: COPY OF THE POSTAL ACKNOWLEDGEMENT.

EXT.P.7.A: COPY OF THE POSTAL ACKNOWLEDGEMENT.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.28693 of 2006

Dated 14th March, 2007.

J U D G M E N T

The prayer is for a direction to the respondent to release the amount withheld from the final bills. It is seen from the counter affidavit filed on behalf of the Panchayat that there are factual disputes involved in the matter, which cannot be settled in a proceedings under Article 226 of the Constitution of India. It is for the petitioner, hence to take recourse to his ordinary remedy before the civil court, or approach the Technical Committee, as stated in the counter affidavit. In the event of the petitioner approaching the civil court, it is made clear that the time taken for prosecuting this writ petition shall stand excluded while computing the period of limitation.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 14th March, 2007.